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**ARTICLE 1 TITLE, PURPOSE AND DEFINITIONS**

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**SECTION 101 TITLE**

These Regulations shall be known as the Town of Colchester Subdivision Regulations.

**SECTION 102 STATEMENT OF PURPOSE**

The Select Board of the Town of Colchester, pursuant to 24 V.S.A. Chapter 117, hereby adopts the following regulations governing the subdivision of land. The Development Review Board shall administer these Regulations for the purpose of assuring orderly growth and coordinated development in the Town of Colchester and assure the comfort, convenience, safety, health and welfare of its citizens. Further, the review of subdivisions shall be based on the following broad considerations:

- A. Conformity with, or implementation of, the comprehensive plan.
- B. Conformity and compatibility with other applicable bylaws, including but not limited to, Zoning Regulations, Official Map, Capital Budget and Program.
- C. Recognition of a desirable relationship to the land form, topography, geology, natural drainage and surface water runoff, and to the ground water table.
- D. Recognition of desirable standards of subdivision design including provision for safe and convenient pedestrian and vehicular traffic, and for suitable building sites for the land use(s) contemplated.
- E. The provision of adequate safeguards to protect the general public from the hazards of flooding, fire, overcrowding, or other threats to public health or safety.
- F. Provisions for the preservation, protection, and/or conservation of natural resources, such as land, air, vegetation, and water, upon which the continued prosperity, safety, health, and welfare of the community and surrounding region may depend.
- G. Adequate provisions for the public facilities and services such as parks, open space, recreation areas, school sites, churches, police and fire protection, off-street parking, water supply, sewage disposal, which are deemed necessary for general public and convenience.
- H. Encouragement of variety, innovation, flexibility, and greater efficiency in the designing layout and use of land in planned unit developments and planned residential developments as provided under the Vermont Planning and Development Act.

**SECTION 103 Separability**

Should any section, sub-section, paragraph, sentence, clause, provision, or phrase of these subdivision regulations be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these subdivision regulations, except the section in question.

**SECTION 104 Repealer**

This Article shall not be deemed to amend, repeal, or impair any requirement in any ordinance or law or in any deed restriction or covenant or in any other undertaking among private persons.

**SECTION 105 Relation to Other Ordinances of the Town of Colchester**

If the provisions of these regulations conflict with the provisions of any other valid and enforceable ordinance(s), such as the Town's Zoning Regulations, Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), the Town's Building Codes, the Town's Sewage Regulations, the Comprehensive Plan of the Town of Colchester shall guide the interpretation as to which ordinance shall prevail.

**SECTION 106 Effective Date and Implementation**

These regulations shall become effective twenty-one (21) days after the date of adoption by the Colchester Select Board. On the date these regulations become effective, they will amend in its entirety the comprehensive revision of the Town of Colchester Subdivision Regulations effective March 16, 2004, and as amended through February 24, 2004.

**SECTION 107 DEFINITIONS**

A. In the construction of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:

1. Words used in the present tense shall include the future and words used in the future tense shall include the present.
2. Words in the singular number shall include the plural and words in the plural number shall include the singular number.
3. In case of any difference of meaning or implication between the text of this Regulation and any caption, preamble or illustration, the text shall control.
4. The masculine gender shall include the feminine and neuter.
5. "Built" includes "erected," "constructed," "reconstructed," "altered," "enlarged," or "moved."
6. "Existing" means the conditions existing on the effective date of these regulations.
7. "For example" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures.
8. "Includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
9. "May" and "should" are permissive.
10. "Must" is mandatory and not optional or merely directory.
11. "Occupied" includes the words intended, designed or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.
12. "Original" means the conditions existing on the effective date of these regulations.
13. "Person" includes an individual, firm, association, corporation, partnership, trust, company or other organization, governmental body or agency, and any other legal entity.
14. "Premises" shall include land and structures thereon.

15. "Shall" is mandatory and not optional or merely directory.
  16. "Such as" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures.
  17. "Town" is the Town of Colchester, Vermont.
  18. "Used" includes the words intended, designed or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.
- B. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  3. "Either...or" indicates that the connected item, conditions, provisions, or events shall apply singly but not in combination.
- C. References made to officials and official bodies shall mean officials and official bodies of the Town of Colchester, unless the natural construction of the wording indicates otherwise.
- D. The word "regulation," "these regulations," "this ordinance," or "this bylaw" means the Town of Colchester Subdivision Regulations.
- E. Any word or phrase which is defined in this section, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.
- F. Any word or phrase that is not defined in this section, or elsewhere in these regulations, shall have its plain and commonly accepted meaning.
- G. Definitions contained in Chapter 117, Vermont Statutes Annotated, shall be applicable throughout these regulations.
- H. Definitions contained in the Town of Colchester Zoning Regulations and Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards) shall be applicable throughout these regulations unless a different definition is provided herein.
- I. Specific Definitions.

ADMINISTRATIVE OFFICER – Zoning Administrator for the Town of Colchester.

COMPREHENSIVE PLAN OR PLAN - The municipal development plan for the Town of Colchester and any amendment thereto, as defined and adopted under the 24 V.S.A. § 117.

CONSTRUCTION DRAWINGS - The drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground utilities, pavements, cross section of streets, miscellaneous structures, etc.

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DEVELOPMENT REVIEW BOARD (DRB) OR BOARD- Development Review Board as authorized under the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A. Section 4461.

EASEMENT - The authorization of a property owner for the use by another, and for a specific purpose, of any designated part of his/her property.

ENGINEER - Town Engineer or duly designated consulting engineer licensed by the State of Vermont.

FINAL APPROVAL - Shall mean the recording in the office of the Town Clerk of a final subdivision plat which has been approved by the Development Review Board and signed by an authorized officer of the Development Review Board.

FINAL SUBDIVISION PLAT - The final drawings on which the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town Clerk.

FLOOD PLAIN - That land which would be subject to flooding by the 100 year flood or that flood which would have a 1% chance of occurring each year – Zone A on the Flood Boundary and Floodway Map.

LEGISLATIVE BODY - Means the Select Board of the Town of Colchester.

LOT - A plot, piece, parcel of land or assemblage of recorded contiguous parcels of land, the latter all in common ownership and designated as a single parcel, established and recorded by plat, subdivision, or otherwise permitted by law of a size sufficiently large to lawfully construct a principal building or a group of such buildings and accessory buildings, or of a size sufficiently large to lawfully be utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations herein. Lot boundaries are (A) established by a deed or deeds recorded in the land records of the Town of Colchester; or (B) shown on a plat approved by the Colchester Development Review Board pursuant to Colchester Subdivision Regulations, provided such approval has not expired. The definition of the term “lot” shall not include any portion of a dedicated right-of-way or areas of land appended to a lot by leasehold, license, or otherwise, except by boundary line adjustments approved by the Town.

MUNICIPAL FACILITIES: These facilities are generally public facilities owned by the Town of Colchester, the State of Vermont, the United States Government, Colchester Fire Districts, or utility companies such as the Champlain Water District, Green Mountain Power and VELCO. Specifically excluded from municipal facilities are: replaced infrastructure; parks and natural areas; cemeteries; public garages; town halls; community centers; police and fire stations; rescue squads and ambulance services;

extensions of sidewalks and paths, storm drainage or stormwater facilities; extensions of utilities to a single residential or commercial unit; temporary structures; and facilities required in response to emergency situations.

MUNICIPALITY - Town of Colchester.

OFFICIAL MAP - The legally adopted Official Map of the Town of Colchester pursuant to section 4421 Title 24 V.S.A. Chapter 117, as amended.

PRELIMINARY SUBDIVISION PLAT - The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

PUBLIC HEARING - Any meeting held by the Board or the legislative body of the Town of Colchester with public notice.

PUBLIC NOTICE - Means the form of notice prescribed by Section 4464 of 24 V.S.A.

RE-SUBDIVISION - Amended subdivision.

SKETCH PLAN - An informal sketch of the proposed subdivision, the purpose of which is to enable the sub-divider to save time and expense in reaching general agreement with the Board as to the form of subdivision and objectives and requirements of these Regulations.

SUBDIVIDER - Any person, firm, corporation, partnership, or association, who shall layout for the purpose of sale or development any subdivision or part thereof as defined herein. The term shall include an applicant for subdivision approval.

SUBDIVISION

1. Division of a tract or parcel of land into two (2) or more lots, residential, commercial or industrial building sites, or other divisions including without limitation, condominiums and cooperatives for the purpose, whether immediate or future, of sale, lease, contract, legacy or building development.
2. Division of land and/or any development of a parcel of land involving the installation, extension, relocation or modification of municipal facilities such as streets, sewer or water mains, public utility transmission lines.
3. The term subdivision includes amended subdivision, re-subdivision, and as appropriate in these regulations shall refer to the process of subdividing land or to the land sub-divider.
4. Any development of a parcel of land such as a multi-family project, planned residential development or planned unit development.
5. The following are specifically not included within this definition:
  - (a) Any adjustment of boundary lines between existing lots.

- (b) A duplex unit to be constructed on a single lot and not as part of a subdivision as above defined.
- (c) The conversion of a building on a tract of land from single ownership to multiple ownership without any change to the physical structure of the building.

SUBDIVISION, MAJOR - Any residential subdivision containing four (4) or more lots, any non-residential subdivision, or any subdivision requiring any installation of new streets, or the extension of municipal facilities, or any multi-family housing, planned residential development or planned unit development.

SUBDIVISION, MINOR - Any residential subdivision containing less than four (4) lots or units which does not require a new public street or the extension of municipal facilities.

VICINITY MAP - A detailed map which shows, within a prescribed area, the relation of the proposed subdivision to adjacent properties and the surrounding area, indicating curb cuts, property and building lines, streets, easements, etc.

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**ARTICLE II PROCEDURE FOR THE SUBMISSION AND REVIEW OF  
APPLICATIONS FOR MAJOR & MINOR SUBDIVISIONS**

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These Regulations concerning the preparation of minor and major subdivision plats are necessary for the information of the Board and of the general public at public hearings as provided in these Regulations. It shall be the subdivider's responsibility to provide all required information. The subdivider shall attend all required meetings and hearings held under these Regulations to review the application including any public meetings or hearings which are continued to a specific time and date.

**SECTION 201 SUBMISSION OF SKETCH PLAN**

**SECTION 201.1** Any subdivider of land shall submit to the Development Review Board a Sketch Plan of the proposed subdivision.

A. Pre-Submission (Technical Review Committee). Prior to a formal submission, the applicant should contact the **Zoning Administrator** ~~Development Review Coordinator~~ to inquire if a Technical Review Committee is recommended for the project. If the **Zoning Administrator** ~~Development Review Coordinator~~ determines that a Committee meeting is recommended, the **Zoning Administrator** ~~Coordinator~~ may setup a meeting with appropriate Town officials and the applicant to discuss the proposed sketch plan. The intent of such a conference is to enable the applicant to inform the Department of Planning and Zoning of the proposal prior to the preparation of a detailed plan and for the Department to review the basic site design concept, advise the applicant as to potential problems and concerns, and to determine generally the type of information to be shown on and submitted with the sketch plan.

B. Submission. A sketch plan generally shall be prepared by a registered architect, licensed landscape architect, licensed land surveyor, licensed engineer, or professional land planner.

C. Fees. All submissions for sketch plan applications shall be accompanied by a fee as established by the Select Board in Chapter Six of the Colchester Code of Ordinances and amended from time to time.

D. Eight copies of a sketch plan application and eight (8) sets of plans, including eight (8) copies reduced to 11" by 17", drawn to scale, shall include the following information for the **Zoning Administrator** ~~Development Review Coordinator~~ to deem the application complete and ready to send to the Development Review Board for its review:

1. Existing conditions plan and data:

- (a) A list of the owners of record of abutting properties, which may be generated by the Assessor's Department or by the applicant.
- (b) Boundaries of existing zoning and overlay districts on the subject property and adjacent zoning and overlay district boundaries.
- (c) Area and boundaries of the property, building or setback lines as required in this chapter, and lines of existing streets and adjoining lots, as shown on a survey.

(d) Reservations, easements and areas dedicated to public use shall be shown.

(e) Lot dimensions, section and lot numbers of the subject property. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(f) Such map shall show the applicant's entire property, adjacent properties, streets within two hundred (200) feet of the site, approximate location and dimensions of all existing structures, and location of all existing structures on adjacent properties and within one hundred (100) feet of the site boundary. At the discretion of the **Zoning Administrator** ~~Development Review Coordinator~~ the required area of the site plan may be increased.

(g) Location of watercourses, waterbodies, wetlands, floodplains, and floodplain boundaries as determined by the Federal Emergency Management Agency or as mapped by the Town of Colchester, watercourses, wetlands, rock outcrops, wooded areas, existing vegetation, and other significant natural features on the site.

(h) Topographic contours and profiles as needed. Existing and proposed contours should be shown at a maximum vertical interval of two (2) feet.

(i) Existing structures and access points on adjacent properties, including those directly across a public street.

2. Development plan and data:

(a) The title of the development, date, North arrow, scale, name and address of the owner of record and of the applicant, if other than the owner, and of the engineer, architect, landscape architect or surveyor preparing the plan shall be shown on a site plan map. Where the applicant or owner is a corporation, the Development Review Board may require the names and addresses of all officers, directors and principal stockholders of said corporation. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(b) Lines all property that is offered, or to be offered, for dedication for public use, with purpose indicated thereon, and of all property that is proposed to be served by deed covenant for the common use of the property owners of the development.

(c) Lot area in square feet and acres, and lot coverage calculations including building, overall, and front yard coverage.

(d) Preliminary grading, drainage, landscaping and buffering plans.

3. Other: Any other information or data that the **Zoning Administrator** ~~Development Review Coordinator~~ or Development Review Board shall require for a full assessment of the project pursuant to this article.

**SECTION 201.2** The Administrative Officer shall, prior to the meeting on the sketch plan, classify the subdivision proposal as either a Minor Subdivision or a Major Subdivision.



**SECTION 201.3** The Board shall determine whether the sketch plan meets the purposes of these Regulations and shall, where it deems necessary, make specific suggestions to be incorporated by the applicant in his subsequent submission. At this time, the Board may require, where it deems necessary for public health, safety and welfare that a Minor Subdivision comply with requirements specified for a Major Subdivision in Article II of these Regulations.

SECTION 201.4 Sketch plan is an informal submission to the Board that provides for informal feedback from the Board without a formal approval or denial. For these reasons, a sketch plan submission and review does not provide the applicant with vested rights for further review under the regulations in effect at the time of sketch plan submittal or review.

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**SECTION 202 MINOR SUBDIVISION FINAL PLAT**

The subdivider shall submit a final plat application within one year after the meeting on the sketch plan or the sketch plan shall become null and void. The plat shall conform to the layout shown on the sketch plan and include all recommendations made by the Board.

A. Submission. A final plat generally shall be prepared by a licensed land surveyor and a registered architect, licensed landscape architect, licensed engineer, or professional land planner.

B. Fees. All submissions for final plat applications shall be accompanied by a fee as established by the Select Board in Chapter Six of the Colchester Code of Ordinances and amended from time to time.

C. Eight copies of a final plat application and eight (8) sets of plans, including eight (8) copies reduced to 11" by 17", drawn to scale, shall include the following information for the **Zoning Administrator** ~~Development Review Coordinator~~ to deem the application complete and ready to send to the Development Review Board for its review:

1. Existing conditions plan and data:

(a) A list of the owners of record of abutting properties, which may be generated by the Assessor's Department or by the applicant.

(b) Boundaries of existing zoning and overlay districts on the subject property and adjacent zoning and overlay district boundaries.

(c) Area and boundaries of the property, building or setback lines as required in this chapter, and lines of existing streets and adjoining lots, as shown on a survey.

(d) Reservations, easements and areas dedicated to public use shall be shown.

(e) Lot dimensions and survey data, and section and lot numbers of the subject property. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(f) Such map shall show the applicant's entire property in a closed bound survey, adjacent properties, streets within two hundred (200) feet of the site, approximate location and dimensions of all existing structures, and location of all existing structures on adjacent properties and within one hundred (100) feet of the site boundary. At the discretion of the **Zoning Administrator** ~~Development Review Coordinator~~ the required area of the site plan may be increased.

(g) Location of watercourses, waterbodies, wetlands, floodplains, and floodplain boundaries as determined by the Federal Emergency Management Agency or as mapped by the Town of Colchester, watercourses, wetlands, rock outcrops, wooded areas, existing vegetation, and other significant natural features on the site.

(h) Topographic contours and profiles as needed. Existing and proposed contours should be shown at a maximum vertical interval of two (2) feet.

(i) Location of, square footage, and height of existing structures and uses on the site.

(j) Existing structures and access points on adjacent properties, including those directly across a public street.

2. Development plan and data:

(a) The title of the development, date, North arrow, scale, name and address of the owner of record and of the applicant, if other than the owner, and of the engineer, architect, landscape architect or surveyor preparing the plan shall be shown on a site plan map. Where the applicant or owner is a corporation, the Development Review Board may require the names and addresses of all officers, directors and principal stockholders of said corporation. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(b) The location of all proposed waterlines, valves and hydrants and sewer lines or wells and sewage tanks, fields, lines and/or septic test pit and percolation information. Information on water fire flows and pressures is also required.

(c) Location and design of all energy distribution facilities, including electrical, gas, and solar energy.

(d) Preliminary grading, drainage, landscaping and buffering plan.

(e) The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles and cross sections of typical development areas and roads, and including an erosion and sedimentation control plan, and proposed locations of sediment sink/setting pond and interceptor swales.

(f) Detailed plans of retaining walls, steps, ramps, paving, and drainage structures.

(g) Estimate of all earthwork, including the quantity of any material to be imported to or removed from the site or a statement that no material is to be removed or imported.

(h) Proposed stormwater management system, including (as applicable) location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.

(i) The location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.

(j) Finished grades of walls, pavements, and storm drains.

(k) Proposed streets and lots within the subdivision names and numbered in numerical order within blocks in accordance with Chapter 17 of the Colchester Code of Ordinances.

(l) Supporting Documents (as applicable)

(1) A copy of all proposed deeds, agreements, or other documents which convey or relate to the use of a privately owned street or right-of-way including a completed contract between the land owner and the Town regarding the number of lots or dwelling units to be served by the

- proposed right-of-way or private street and the responsibility for the roadway maintenance.
- (2) Copies of proposed deeds, agreements or other documents showing the manner in which open space including park and recreational areas and school site areas, are to be dedicated, reserved and maintained and a certificate of the Town Attorney that these documents are satisfactory.
  - (3) A copy of such covenants or deed restrictions as is intended to cover all or part of the tract.
  - (4) A prospectus describing the management organization if one is required.

3. Other: Any other information or data that the **Zoning Administrator** ~~Development Review Coordinator~~ or Development Review Board shall require for a full assessment of the project pursuant to this article. The **Zoning Administrator** ~~Development Review Coordinator~~ shall have the authority to, when reasonable, waive any application requirements for site plan approval. Any such waiver may be exercised in the event any such requirements are:

- (a) found not to be requisite in the interest of public health, safety, or general welfare or;
- (b) inappropriate to a particular site plan because of the particular character or limited nature of a new development or change in use or conditions peculiar to a site or;
- (c) will cause extraordinary and unnecessary hardship.

D. Development Review Board Action.

1. A public hearing on the Final Plat Application shall be held by the Board in accordance with 24 V.S.A. § 4463. The Development Review Board shall, in accordance with 24 V.S.A. § 4464 approve, modify and approve, or disapprove such plat. Failure so to act within the time prescribe in 24 V.S.A. § 4464 shall be deemed approval. The DRB shall review the application against the criteria in Article Three and Four and any other applicable standards in these Regulations. If the DRB determines that the final plat application and supporting material fail to demonstrate compliance with applicable standards herein, it shall deny the final plat application. However, if it further determines that with a minor modification or modifications the final plat application and supporting material would comply with applicable standards, the DRB may, in its discretion, impose a condition or conditions requiring such modification or modifications and approve the site plan. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.

2. Upon approval, the applicant shall provide two (2) full-sized copies and one (1) copy reduced to 11" by 17" of the approved plan to the Department of Planning and Zoning. A copy of the Development Review Board's findings of fact and order, shall be sent to the applicant and recorded in the Town Clerk's office. Two (2) record copies of the plans shall be retained in the Department of Planning and Zoning.

3. Upon approval, the applicant shall provide a copy of the final plat in digital format meeting the Town of Colchester "Digital Format Requirements" in Appendix A.

E. Expiration of Approval. Development Review Board approval of a final plat approval shall expire if any of the following circumstances occurs:

1. Such approved plat is not duly recorded in mylar form with the office of the Town Clerk within one hundred eighty (180) days from such approval. Such plat shall be prepared by a licensed surveyor and shall comply with the requirements of the Vermont Statutes Annotated, as presently enacted or as hereinafter from time-to-time amended. Plats shall be in mylar form with overall dimensions of 18" by 24" with two inches (2") outside of the borderlines on the left side for binding and a one-inch (1") margin outside the border along the remaining sides. Such Mylar shall incorporate the following title block:

"Approved by Resolution of the Development Review Board of the Town of Colchester, Vermont on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, subject to the requirements and conditions of said Resolution. Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_, Chairman or Clerk."

2. If no action is taken by the subdivider to substantially construct his proposed subdivision within one (1) years of the date of final plat approval, said approval shall become null and void.

## **SECTION 203            APPLICATION FOR MAJOR SUBDIVISION PRELIMINARY PLAT**

The subdivider shall submit a preliminary plat application within one year after the meeting on the sketch plan or the sketch plan shall become null and void. The preliminary plat application shall include the following:

A. Submission. A preliminary plat generally shall be prepared by a licensed land surveyor and a registered architect, licensed landscape architect, licensed engineer, or professional land planner.

B. Fees. All submissions for preliminary plat applications shall be accompanied by a fee as established by the Select Board in Chapter Six of the Colchester Code of Ordinances and amended from time to time.

C. Eight copies of a preliminary plat application and eight (8) sets of plans, including eight (8) copies reduced to 11" by 17", drawn to scale, shall include the following information for the **Zoning Administrator** ~~Development Review Coordinator~~ to deem the application complete and ready to send to the Development Review Board for its review:

1. Existing conditions plan and data:

(a) A list of the owners of record of abutting properties, which may be generated by the Assessor's Department or by the applicant.

(b) Boundaries of existing zoning and overlay districts on the subject property and adjacent zoning and overlay district boundaries.

(c) Area and boundaries of the property, building or setback lines as required in this chapter, and lines of existing streets and adjoining lots, as shown on a survey.

(d) Reservations, easements and areas dedicated to public use shall be shown.

(e) Lot dimensions and survey data, and section and lot numbers of the subject property. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(f) Such map shall show the applicant's entire property in a closed bound survey, adjacent properties, streets within two hundred (200) feet of the site, approximate location and dimensions of all existing structures, and location of all existing structures on adjacent properties and within one hundred (100) feet of the site boundary. At the discretion of the **Zoning Administrator** ~~Development Review Coordinator~~ the required area of the site plan may be increased.

(g) Location of watercourses, waterbodies, wetlands, floodplains, and floodplain boundaries as determined by the Federal Emergency Management Agency or as mapped by the Town of Colchester, watercourses, wetlands, rock outcrops, wooded areas, existing vegetation, and other significant natural features on the site.

(h) Topographic contours and profiles as needed. Existing and proposed contours should be shown at a maximum vertical interval of two (2) feet.

(i) Location of, square footage, and height of existing structures and uses on the site.

(j) Existing structures and access points on adjacent properties, including those directly across a public street.

2. Development plan and data:

(a) The title of the development, date, North arrow, scale, name and address of the owner of record and of the applicant, if other than the owner, and of the engineer, architect, landscape architect or surveyor preparing the plan shall be shown on a site plan map. Where the applicant or owner is a corporation, the Development Review Board may require the names and addresses of all officers, directors and principal stockholders of said corporation. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(b) Lines and dimensions of all property that is offered, or to be offered, for dedication for public use, with purpose indicated thereon, and of all property that is proposed to be served by deed covenant for the common use of the property owners of the development.

(c) Estimated project construction schedule, phasing, and date of completion.

(d) All means of vehicular access and egress to and from the site onto public streets (dimensions, widths, & turning radii), and all provisions for pedestrian access and circulation. Existing highway geometries should be

given that include access points near the project. Sight distance in both directions of all driveway intersections should also be shown on the plans. The linear footage and width for proposed roads/driveways should be provided.

(e) Elevations, floor plans, and sections of proposed structures showing the proposed location, use, design and height of all structures, key boxes, and building sprinkler hook-ups. Plans shall also show any proposed division of buildings into units of separate occupancy and location of drives and access thereto.

(f) The location and layout of any off-street parking or loading areas, traffic circulation areas, truck circulation patterns, loading areas, areas for snow storage, bike racks, pedestrian walkways, and fire lanes.

(g) Analysis of traffic impacts, including traffic level of service/capacity analysis for existing and future conditions. Estimated daily and peak hour traffic generation, and an estimate of traffic generation during the peak hour of the adjacent street traffic. A traffic study may be required by the **Zoning Administrator** ~~Development Review Coordinator~~ in accordance with the standards set forth in Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards).

(h) Lot area in square feet and acres, and lot coverage calculations including building, overall, and front yard coverage.

(i) The location of all proposed waterlines, valves and hydrants and sewer lines or wells and sewage tanks, fields, lines and/or septic test pit and percolation information. Information on water fire flows and pressures is also required.

(j) Detailed landscaping plan, including type, size, and location of all materials used and plans for buffer screening and fencing.

(k) Cut sheets for all proposed outdoor lighting within the site including mounting heights and a point by point lighting scheme.

(l) The general location of any free-standing signs.

(m) The location of any outdoor storage for equipment and materials if any, and the location, type and design of all solid waste-related facilities, including dumpsters and recycling bins.

(n) Location and design of all energy distribution facilities, including electrical, gas, and solar energy.

(o) Recreation areas if required.

(p) Preliminary grading, drainage, landscaping and buffering plan.

(q) The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles and cross sections of typical development areas, parking lots and roads, and including an erosion and sedimentation control plan, and proposed locations of sediment sink/setting pond and interceptor swales.

(r) Detailed plans of retaining walls, steps, ramps, paving, and drainage structures.

(s) Estimate of all earthwork, including the quantity of any material to be imported to or removed from the site or a statement that no material is to be removed or imported.

(t) Proposed stormwater management system, including (as applicable) location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.

(u) The location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.

(v) Finished grades of walls, pavements, and storm drains.

(w) Proposed streets and lots within the subdivision names and numbered in numerical order within blocks in accordance with Chapter 17 of the Colchester Code of Ordinances.

3. Other: Any other information or data that the **Zoning Administrator** ~~Development Review Coordinator~~ or Development Review Board shall require for a full assessment of the project pursuant to this article. The **Zoning Administrator** ~~Development Review Coordinator~~ shall have the authority to, when reasonable, waive any application requirements for preliminary plat approval. Any such waiver may be exercised in the event any such requirements are:

(a) found not to be requisite in the interest of public health, safety, or general welfare or;

(b) inappropriate to a particular site plan because of the particular character or limited nature of a new development or change in use or conditions peculiar to a site or;

(c) will cause extraordinary and unnecessary hardship.

#### D. Development Review Board Action.

1. A public hearing on the Preliminary Plat Application shall be held by the Board in accordance with 24 V.S.A. § 4463. The Development Review Board shall, in accordance with 24 V.S.A. § 4464 approve, modify and approve, or disapprove such plat. Failure so to act within the time prescribe in 24 V.S.A. § 4464 shall be deemed approval. The DRB shall review the application against the criteria in Article Three and Four and any other applicable standards in these Regulations. If the DRB determines that the preliminary plat application and supporting material fail to demonstrate compliance with applicable standards herein, it shall deny the preliminary plat application. However, if it further determines that with a minor modification or modifications the preliminary plat application and supporting material would comply with applicable standards, the DRB may, in its discretion, impose a condition or conditions requiring such modification or modifications and approve the application. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.

2. Upon approval, the applicant shall provide two (2) full-sized copies and one (1) copy reduced to 11" by 17" of the approved plan to the Department of Planning and Zoning. A copy of the Development Review Board's findings of fact and



order, shall be sent to the applicant and recorded in the Town Clerk's office. Two (2) record copies of the plans shall be retained in the Department of Planning and Zoning.

#### **204 APPLICATION FOR MAJOR SUBDIVISION FINAL PLAT APPROVAL**

The subdivider shall submit a final plat application within one year after approval of the Preliminary Plat Application or the Preliminary Plat approval shall become null and void.

The plat shall conform to the approved preliminary plat layout and include all conditions and requirements of the preliminary plat approval.

A. Submission. A final plat generally shall be prepared by a licensed land surveyor and a registered architect, licensed landscape architect, licensed engineer, or professional land planner.

B. Fees. All submissions for final plat applications shall be accompanied by a fee as established by the Select Board in Chapter Six of the Colchester Code of Ordinances and amended from time to time.

C. Eight copies of a final plat application and eight (8) sets of plans, including eight (8) copies reduced to 11" by 17", drawn to scale, shall include the following information for the **Zoning Administrator** ~~Development Review Coordinator~~ to deem the application complete and ready to send to the Development Review Board for its review:

1. Existing conditions plan and data:

(a) A list of the owners of record of abutting properties, which may be generated by the Assessor's Department or by the applicant.

(b) Boundaries of existing zoning and overlay districts on the subject property and adjacent zoning and overlay district boundaries.

(c) Area and boundaries of the property, building or setback lines as required in this chapter, and lines of existing streets and adjoining lots, as shown on a survey.

(d) Reservations, easements and areas dedicated to public use shall be shown.

(e) Lot dimensions and survey data, and section and lot numbers of the subject property. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(f) Such map shall show the applicant's entire property in a closed bound survey, adjacent properties, streets within two hundred (200) feet of the site, approximate location and dimensions of all existing structures, and location of all existing structures on adjacent properties and within one hundred (100) feet of the site boundary. At the discretion of the **Zoning Administrator** ~~Development Review Coordinator~~ the required area of the site plan may be increased.

(g) Location of watercourses, waterbodies, wetlands, floodplains, and floodplain boundaries as determined by the Federal Emergency Management Agency or as mapped by the Town of Colchester, watercourses, wetlands, rock outcrops, wooded areas, existing vegetation, and other significant natural features on the site.

(h) Topographic contours and profiles as needed. Existing and proposed contours should be shown at a maximum vertical interval of two (2) feet.

(i) Location of, square footage, and height of existing structures and uses on the site.

(j) Existing structures and access points on adjacent properties, including those directly across a public street.

2. Development plan and data:

(a) The title of the development, date, North arrow, scale, name and address of the owner of record and of the applicant, if other than the owner, and of the engineer, architect, landscape architect or surveyor preparing the plan shall be shown on a site plan map. Where the applicant or owner is a corporation, the Development Review Board may require the names and addresses of all officers, directors and principal stockholders of said corporation. The preferred scale shall be not less than one (1) inch equals thirty (30) feet.

(b) Lines and dimensions of all property that is offered, or to be offered, for dedication for public use, with purpose indicated thereon, and of all property that is proposed to be served by deed covenant for the common use of the property owners of the development.

(c) Estimated project construction schedule, phasing, and date of completion.

(d) All means of vehicular access and egress to and from the site onto public streets (dimensions, widths, & turning radii), and all provisions for pedestrian access and circulation. Existing highway geometries should be given that include access points near the project. Sight distance in both directions of all driveway intersections should also be shown on the plans. The linear footage and width for proposed roads/driveways should be provided.

(e) Elevations, floor plans, and sections of proposed structures showing the proposed location, use, design and height of all structures, key boxes, and building sprinkler hook-ups. Plans shall also show any proposed division of buildings into units of separate occupancy and location of drives and access thereto.

(h) The location and layout of any off-street parking or loading areas, traffic circulation areas, truck circulation patterns, loading areas, areas for snow storage, bike racks, pedestrian walkways, and fire lanes.

(i) Analysis of traffic impacts, including traffic level of service/capacity analysis for existing and future conditions. Estimated daily and peak hour traffic generation, and an estimate of traffic generation during the peak hour of the adjacent street traffic. A traffic study may be required by the **Zoning Administrator** ~~Development Review Coordinator~~ in accordance with the standards set forth in Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards).

- (j) Lot area in square feet and acres, and lot coverage calculations including building, overall, and front yard coverage.
- (k) The location of all proposed waterlines, valves and hydrants and sewer lines or wells and sewage tanks, fields, lines and/or septic test pit and percolation information. Information on water fire flows and pressures is also required.
- (l) Detailed landscaping plan, including type, size, and location of all materials used and plans for buffer screening and fencing.
- (m) Cut sheets for all proposed outdoor lighting within the site including mounting heights and a point by point lighting scheme.
- (n) The general location of any free-standing signs.
- (o) The location of any outdoor storage for equipment and materials if any, and the location, type and design of all solid waste-related facilities, including dumpsters and recycling bins.
- (p) Location and design of all energy distribution facilities, including electrical, gas, and solar energy.
- (q) Recreation areas if required.
- (r) Preliminary grading, drainage, landscaping and buffering plan.
- (s) The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles and cross sections of typical development areas, parking lots and roads, and including an erosion and sedimentation control plan, and proposed locations of sediment sink/setting pond and interceptor swales.
- (t) Detailed plans of retaining walls, steps, ramps, paving, and drainage structures.
- (u) Estimate of all earthwork, including the quantity of any material to be imported to or removed from the site or a statement that no material is to be removed or imported.
- (v) Proposed stormwater management system, including (as applicable) location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.
- (w) The location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.
- (x) Finished grades of walls, pavements, and storm drains.
- (y) Proposed streets and lots within the subdivision names and numbered in numerical order within blocks in accordance with Chapter 17 of the Colchester Code of Ordinances.
- (z) Supporting Documents
  - (1) A copy of all proposed deeds, agreements, or other documents which convey or relate to the use of a privately owned street or right-of-way including a completed contract between the land owner and the Town regarding the number of lots or dwelling units to be served by the

- proposed right-of-way or private street and the responsibility for the roadway maintenance.
- (2) Copies of proposed deeds, agreements or other documents showing the manner in which open space including park and recreational areas and school site areas, are to be dedicated, reserved and maintained and a certificate of the Town Attorney that these documents are satisfactory.
  - (3) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - (4) A prospectus describing the management organization if one is required.

3. Other: Any other information or data that the **Zoning Administrator** ~~Development Review Coordinator~~ or Development Review Board shall require for a full assessment of the project pursuant to this article. The **Zoning Administrator** ~~Development Review Coordinator~~ shall have the authority to, when reasonable, waive any application requirements for final plat approval. Any such waiver may be exercised in the event any such requirements are:

- (a) found not to be requisite in the interest of public health, safety, or general welfare or;
- (b) inappropriate to a particular site plan because of the particular character or limited nature of a new development or change in use or conditions peculiar to a site or;
- (c) will cause extraordinary and unnecessary hardship.

D. Development Review Board Action.

1. A public hearing on the Final Plat Application shall be held by the Board in accordance with 24 V.S.A. § 4463. The Development Review Board shall, in accordance with 24 V.S.A. § 4464 approve, modify and approve, or disapprove such plat. Failure so to act within the time prescribe in 24 V.S.A. § 4464 shall be deemed approval. The DRB shall review the application against the criteria in this Articles Three and Four herein and any other applicable standards in these Regulations. If the DRB determines that the final plat application and supporting material fail to demonstrate compliance with applicable standards herein, it shall deny the final plat application. However, if it further determines that with a minor modification or modifications the final plat application and supporting material would comply with applicable standards, the DRB may, in its discretion, impose a condition or conditions requiring such modification or modifications and approve the application. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.

2. Upon approval, the applicant shall provide two (2) full-sized copies and one (1) copy reduced to 11" by 17" of the approved plan to the Department of Planning and Zoning. A copy of the Development Review Board's findings of fact and order, shall be sent to the applicant and recorded in the Town Clerk's office. Two (2) record copies of the plans shall be retained in the Department of Planning and Zoning.

3. Upon approval, the applicant shall provide a copy of the final plat in digital format meeting the Town of Colchester "Digital Format Requirements" in Appendix A.

E. Expiration of Approval. Development Review Board approval of a final plat approval shall expire if any of the following circumstances occurs:

1. Such approved plat is not duly recorded in mylar form with the office of the Town Clerk within one hundred eighty (180) days from such approval. Such plat shall be prepared by a licensed surveyor and shall comply with the requirements of the Vermont Statutes Annotated, as presently enacted or as hereinafter from time-to-time amended. Plats shall be in mylar form with overall dimensions of 18" by 24" with two inches (2") outside of the borderlines on the left side for binding and a one-inch (1") margin outside the border along the remaining sides. Such Mylar shall incorporate the following title block:

"Approved by Resolution of the Development Review Board of the Town of Colchester, Vermont on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to the requirements and conditions of said Resolution. Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Chairman or Clerk."

2. If no action is taken by the subdivider to substantially construct his proposed subdivision within one (1) years of the date of final plat approval, said approval shall become null and void. The Board may consider, during time of final plat application, a phased completion schedule not to exceed ten (10) years provided public improvements are proposed to be completed in a timely manner.

## **SECTION 205            AMENDMENTS TO SUBDIVISION PLATS**

Any modification to an approved Final Plat plan requires an application for amendment. The Development Review Board may require that the subdivider return to the Sketch or Preliminary Plat stage of the approval process. Minor amendments may be processed as a Final Plat Application.

## **SECTION 206 TECHNICAL OR CONSULTANT REVIEW OF APPLICATIONS.**

The Development Review Board may require a subdivider to pay for reasonable costs of an independent technical review of the application. The Development Review Board may table review of the application pending receipt of an independent technical review.

## **SECTION 207            PLAT VOID IF REVISED AFTER APPROVAL**

No changes, erasures, modifications, or revision shall be made on any subdivision plat after approval has been given by the Development Review Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Board and the Board approves such modification.

**ARTICLE III DEVELOPMENT REQUIREMENTS****SECTION 301 REQUIRED IMPROVEMENT LIST**

The following are required improvements: Monuments; lot markers; landscaping; water supply infrastructure as specified in Chapter Eight of the Colchester Code of Ordinance and / or the Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards) and / or the Zoning Regulations; septic and / or sewage infrastructure as specified in Chapter Eight of the Colchester Code of Ordinance and / or Chapter Fourteen of the Colchester Code of Ordinances and / or Chapter 10 of the Colchester Code of Ordinance; roadways and associated improvements, such as but not limited to signage, as specified in Chapter Fourteen of the Colchester Code of Ordinances; street trees as specified in Chapter Fourteen of the Colchester Code of Ordinances; sidewalks and paths as specified in Chapter Fourteen of the Colchester Code of Ordinances; street lighting as specified in Chapter Fourteen of the Colchester Code of Ordinances; stormwater infrastructure as specified in Chapter Fourteen of the Colchester Code of Ordinances; fire hydrants as specified in Chapter Fourteen of the Colchester Code of Ordinances; other capital improvements as required by the Board.

**SECTION 302 SUITABILITY OF LAND**

The Board shall not approve an application if development is subject to adverse physical limitations which would be harmful to the safety, health and general welfare of the surrounding adjacent areas unless adequate methods to solve the physical limitations are established. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures including streets, utilities and buildings, or other hazardous conditions shall not ordinarily be developed or subdivided.

**SECTION 303 LOT LAYOUT**

Lots shall be laid out in such a way that they can be developed in full compliance for lot size, frontage, density and all other requirements of the Zoning Regulations and giving consideration to topography, soils and drainage conditions. Lot size, frontage, and buffer requirements may be waived or modified by the Development Review Board for a planned unit or planned residential development (see Zoning Regulations). Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each street. Where possible the Development Review Board shall encourage:

- A. Maintain contiguous tracts of open land with adjoining parcels;
- B. Connect with and extend planned per the Official Map and existing road, sidewalk, path, and utility corridors;
- C. Side lot lines shall generally form right angles to the road; and
- D. Irregularly shaped lots shall not be created unless warranted by topography, surface waters, or to avoid fragmentation of significant natural or cultural features.

**SECTION 304 BUILDING ENVELOPES**

The Development Review Board may require the designation of building envelopes that limit the location of structures and parking areas to one or more portions of a subdivided lot. The size and

shape of each building envelope shall be established in accordance with these regulations. The Board may also require the identification of specific building footprints, if, in its judgment, such information is needed to determine conformance with these regulations.

### **SECTION 305 MONUMENTS AND LOT CORNER MARKERS**

Permanent right-of-way monuments shall be set at all street intersections, and at all angles and curves or other critical points in street lines as will enable a land surveyor to correctly stake out any lot in the subdivision. Each monument shall be a precast concrete post four inches by four inches (4" x 4") at the top by forty-eight inches (48") long. The top shall have a center mark which shall be the point of reference. The monuments shall be set in place after all other street improvements are completed. Lot corner markers shall be set at corners and angle points of all lots, plots, or parcels, and located in the ground to finished grade.

### **SECTION 306 ENERGY CONSERVATION**

In order to conserve energy, all subdivisions should use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. Buildings should be sited so as to take advantage of southeast, south, and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential and planned unit development) should be encouraged wherever feasible and in accordance with the Town Comprehensive Plan and Zoning Regulations.

### **SECTION 307 WATER**

The subdivider shall demonstrate to the satisfaction of the Development Review Board that adequate potable water exists on or off site to serve the proposed subdivision and:

- A. The subdivider shall be responsible for installing water supply and/or distribution facilities in accordance with Chapter Eight of the Colchester Code of Ordinances, Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), the Colchester Zoning Regulations, and standards of the Fire District or Water District having jurisdiction;
- B. Where connection to a pre-existing water system is proposed, the subdivider shall provide evidence as to the adequacy of the system, and supporting legal documentation concerning access, available capacity, and water quality; and
- C. Source protection areas shall be designated on final plat plans.

### **SECTION 308 SEWAGE DISPOSAL**

The subdivider shall demonstrate to the satisfaction of the Development Review Board that wastewater collection and disposal capacity exist on or off site to serve the proposed subdivision.

- A. Municipal Sewage. For properties proposed to be serviced by municipal sewage, the subdivider shall be responsible for installing sewage infrastructure and / or facilities in accordance with Chapter Eight of the Colchester Code of Ordinances, Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), and Chapter 10 of the Colchester Code of Ordinances. Within designated sewer service areas, the subdivider may be required to provide improvements to facilitate future development. The

subdivider shall be required to provide such pumping and other facilities as may be necessary.

B. On-Site Septic. The subdivider shall be responsible for installing septic facilities in accordance with Chapter Eight of the Colchester Code of Ordinances.

### **SECTION 309 SITE PRESERVATION AND LANDSCAPING**

A. Existing Features. The preservation of site amenities, such as trees, brooks or drainage-ways, historic sites, and other features that are an asset to the site and/or community, shall be affected insofar as possible through harmonious design and appropriate construction methods. Wetlands, streams, waterbodies, Floodplains, and associated buffers as well as all features identified on the Colchester Overlay Districts Map shall be delineated and clearly marked with stakes and flagging or temporary fencing before and during the excavation and construction phases of a subdivision. These lands shall not be disturbed during construction.

B. Natural Cover. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of that particular subdivision or to meet the requirements of Zoning Regulations.

C. Landscaping. Subdivisions shall be adequately screened from view of adjacent roads and neighborhoods. A sufficient mixture of deciduous and coniferous trees shall be provided. The Development Review Board may waive the buffer and screening requirement if the Development Review Board determines that a buffer would not be consistent with the Town Comprehensive Plan, Official Map, or Zoning Regulations.

### **SECTION 310 STREETS**

Roadways and associated improvements, such as but not limited to signage, shall be required to service subdivisions as specified in Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards) and Official Map. Roadways shall include but shall not be limited to: street trees, sidewalks, paths, street lighting, stormwater infrastructure, fire hydrants, etc.

A. *Arrangement* - The arrangement of streets in the subdivision shall provide for the continuation of streets of adjoining subdivisions and for proper projection of streets through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. To this end, the use of a grid or block pattern for streets is encouraged. Streets in mixed-use growth centers should encourage an emphasis on pedestrian and bicycle traffic while providing accommodation for vehicular traffic. Bicycle paths may connect mixed-use growth centers with other neighboring areas. Pedestrian protection devices such as bulb-out and midblock crosswalks should be encouraged within mixed-use growth centers.

B. *Topography* - Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersection in appropriate relation to the



proposed use of the land to be served by such streets. Adequate provisions shall be made to control the drainage of each street by an adequate storm water system, subject to the approval of the Board and Town Engineer.

C. *Street Names* – All streets shall be named in accordance with the requirements of Chapter 17 of the Colchester Code of Ordinances. The subdivider may recommend proposed names to the Development Review Board. The Board, in consultation with the designated E911 coordinator, shall designate a name for a proposed road as part of its approval process. Streets shall be identified by the name on the proposed plat.

D. Design and layout of cul-de-sacs shall provide for possible future streets and extensions to other subdivisions or other properties not yet subdivided. Where provisions are made for the continuation of a street beyond the cul-de-sac for future road development, the land outside the normal street right-of-way may revert to the abutting property owners at such time as the street is continued beyond the cul-de-sac.

E. Where a subdivision borders an existing narrow road (below standards set herein) or when the Official Map or Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider may be required to show areas for widening or realigning such roads on the Plat, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the Plat when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes shall not be counted in satisfying setback or yard or area requirements of the Zoning Regulations but shall be included to satisfy density requirements.

F. Residential streets shall be so laid out that their use by through traffic will be discouraged.

G. Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Board may require marginal access streets (street parallel to arterial or collector street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed arterial or collector street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

H. Where a tract is subdivided into lots at least twice as large as the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so to permit future development in accordance with the requirements contained in these Regulations.

I. The approval of the Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, offer of dedication, recreation area, or open space shown on such Subdivision Plat.

J. The number of dwelling units served by a cul-de-sac or by a system of streets sharing a common single access to a public street or road shall not exceed fifty (50) units.

## **SECTION 311 PEDESTRIAN ACCESS**

Permanent Pedestrian easements, up to twenty feet (20') in width, may be required in order to facilitate pedestrian circulation within the subdivision, access to adjoining neighborhoods, public

property, or community focal points such, but not limited to: parks, schools, shopping centers, centers of employment, and community recreation facilities, etc.

### **SECTION 312 UTILITIES**

All utilities shall be underground. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for underground installation, both for the proposed subdivision and areas adjacent to the subdivision. Easements of sufficient width shall be provided in locations acceptable to the Town Engineer, so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

### **SECTION 313 STORM DRAINAGE & EROSION CONTROL**

Until such time as Chapter Fourteen of the Colchester Code of Ordinances (Public Works Specifications and Standards) is amended to include specifications pertaining to stormwater facility design and erosion control standards, the “Vermont Stormwater Manual” and the “Vermont Erosion Control Handbook” with addendums shall be used to supplement the Chapter Fourteen of the Colchester Code of Ordinances for compliance as stated herein.

A. Drainage Structure to Accommodate Potential Development Upstream. Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire upstream drainage area, whether inside or outside the subdivision. The Board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development. The subdivider's engineer shall provide such information as the Board deems necessary to the determination of the adequacy of the facilities.

B. Responsibility for Drainage Downstream. The subdivider's engineer shall provide such information as the Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside of the area of the subdivision. Where the Board anticipates that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until the subdivider agrees to the improvements, whether on or off-site, deemed necessary by the Town.

### **SECTION 314 EXCAVATION AND GRADING**

All excavating and filling required for construction of public improvements shall be as specified within Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards). All streets shall be graded from property line to property line to approved grade and cross section. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of topsoil shall be provided to cover finished slopes.

A. Fill. No stumps, wood, roots, other fibrous materials or refuse shall be used as fill. In those locations where the alignment crosses swamp or marsh land, or other similar soil that is incapable of withstanding expected loads, such inadequate soil shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankment, but may be used in flattening embankment slopes or for filling lot

spots outside the road section. The Board may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section.

B. Embankments. Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth extending across the entire fill area. They shall be spread by an earthmover or other acceptable method, and shall be thoroughly compacted. Where embankments are made of rock, the rock shall be so deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

C. Subgrade. Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with the acceptable material and the process of leveling and rolling continued until no further depression results.

D. Side Slopes. Side slopes in embankment ditches shall not exceed one (1) foot vertically for at least each two (2) feet horizontally. Surplus material resulting from excavation of the road cross section may be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least two (2) feet horizontally. Side slopes in excavation rock shall not exceed six (6) feet vertically for at least each one (1) foot horizontally. Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

### **SECTION 315      OUTDOOR LIGHTING**

Illumination of areas such as streets, sidewalks, private ways, parking areas, loading and unloading areas, principal entryways and/or other locations, shall be provided in accordance with Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards) and the Colchester Zoning Regulations. All proposed street lights within public rights-of-way shall be constructed so as to become the property of the Town upon acceptance of the street per Section 409 herein.

### **SECTION 316      RECREATION AREAS**

Land shall be set aside for passive and active recreational purposes as deemed necessary by the Board on any plat submitted for Board approval. All such areas shall be of a reasonable character for park or other recreational uses. The Board shall not require more than fifteen percent (15%) of the area of any plat being set aside for park or recreational purposes.

### **SECTION 317      OPEN SPACE AND COMMON LAND**

The Board may require up to 25% of the area of any plat set aside for designated open space. Recreational areas may, when judged to be appropriate by the Development Review Board, be included in designated in open space requirements. Land held in common for the preservation and maintenance of open space or for the long-term maintenance and management of shared

facilities (i.e. community wastewater, recreational facilities, parking areas, etc.), shall be noted on the final plat plans. A community association comprising all present or future owners of lots in the subdivision shall own all community facilities excepting open space and recreational areas. The Development Review Board may approve open space and recreational areas to be dedicated, either in fee or through a conservation easement approved by the Town's Attorney, to the Town or a nonprofit land conservation organization. Land and/or facilities to be held in common shall be subject to appropriate deed restrictions stipulating their allowed use and establishing the person or entity responsible for their maintenance and long-term management. All costs associated with administering and maintaining common land and associated facilities shall be the responsibility of the subdivider.

### **SECTION 318            ASSESSMENTS OF DEVELOPMENTAL IMPACTS & CONFORMITY WITH COMPREHENSIVE PLAN AND BYLAW**

Proposed subdivisions shall conform to the Comprehensive Plan and all bylaws of the Town including the Town Zoning Regulations, Official Map, and standards herein. The Board may require reasonable modification or appropriate phasing of the proposed subdivision. The Board shall evaluate any proposed subdivision according to the following standards:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The evaluation of land above sea level; and in relation to the flood plains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable health and water resources department regulations.
- B. Does have sufficient water available for the reasonably foreseeable needs of the subdivision or development.
- C. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- D. Will not cause unreasonable highway congestion or unsafe conditions with respect to use of the highways existing or proposed.
- E. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural area.
- F. Efficiency of allocation and distribution of street and public facility installation, construction and maintenance.
- G. Will not cause an unreasonable burden on the ability of a municipality to provide educational services.
- H. Will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services and facilities.

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**ARTICLE IV DEVELOPMENT STANDARDS**

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**SECTION 401 RECORDED PLAT**

Plats to be filed with the Town Clerk shall comply with the requirements of the Vermont Statutes Annotated, as presently enacted or as hereinafter from time-to-time amended and the following additional requirements:

- A. No plan of subdivision of land shall be received for record in the office of the Town Clerk of Colchester unless approved by the Development Review Board and the fact of such approval is endorsed thereon.
- B. No boundary line adjustment shall be received for record in the office of the Town Clerk of Colchester unless approved by the Administrative Officer to be in compliance with these regulations, specifically Appendix C, and all other applicable Colchester bylaws and ordinances. When applicable, revised deeds, easements, and other such legal documents should be submitted simultaneously for recording with the proposed mylar. Such plat shall have the appropriate title block as provided below:

This is a boundary line adjustment, not a subdivision. The Town does not confirm or attest to the accuracy of this document or related title issues. Further subdivision requires approval by the Development Review Board.

<b>Zoning Administrator</b>	Date
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- C. No person shall submit for recording in the Town of Colchester Land Records any deed, lease exceeding five (5) years, including options to renew, or other documents conveying fee simple title, or occupancy title for greater than five (5) years, which conveys a lot, tract or parcel of land subdivided out of a larger parcel, until the subdivision has been approved by the Development Review Board and a proper plat showing the same has been approved, endorsed and properly recorded.
- D. The subdivider shall furnish the Town Attorney opinion of subdivider's counsel that the dedication, footprint plan and bylaws prepared for use in the proposed development conform to all requirements of 27 V.S.A. 17. The Town Attorney shall request revisions as appropriate prior to issuance of any permits. After the subdivision has been approved by the Development Review Board and before any permits for construction are issued, the developer shall record these documents and inform the Administrative Officer of the date, volume and page of recording of each of these documents. Said document and plat are encouraged to be recorded simultaneously.
- E. **No easement survey shall be received for record in the office of the Town Clerk of Colchester unless approved by the Administrative Officer to be in compliance with these regulations, specifically Appendix C, and all other applicable Colchester bylaws and ordinances. Such plat shall have the appropriate title block as provided below:**

**This is an easement survey, not a boundary line adjustment or a subdivision. The Town does not confirm or attest to the accuracy of this document or related title issues. Further subdivision requires approval by the Development Review Board.**

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Zoning Administrator

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Date

- F. No boundary survey shall be received for record in the office of the Town Clerk of Colchester unless approved by the Administrative Officer to be in compliance with these regulations, specifically Appendix C, and all other applicable Colchester bylaws and ordinances. Such plat shall have the appropriate title block as provided below:**

**This is a boundary survey, not a boundary line adjustment or a subdivision. The Town does not confirm or attest to the accuracy of this document or related title issues. Further subdivision requires approval by the Development Review Board.**

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Zoning Administrator

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Date

- G. No condominium plan shall be received for record in the office of the Town Clerk of Colchester unless approved by the Administrative Officer to be in compliance with these regulations, specifically Appendix C, and all other applicable Colchester bylaws and ordinances. Such plat shall have the appropriate title block as provided below:**

**This is a condominium plan, not a boundary line adjustment or a subdivision. The Town does not confirm or attest to the accuracy of this document or related title issues. Further subdivision requires approval by the Development Review Board.**

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Zoning Administrator

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Date

- H. No subdivision plat shall be received for record in the office of the Town Clerk of Colchester unless approved by the Administrative Officer to be in compliance with these regulations, specifically Appendix C, and all other applicable Colchester bylaws and ordinances. Such plat shall have the appropriate title block as provided below:**

**Approved by Resolution of the Development Review Board of the Town of Colchester, Vermont on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to the requirements and conditions of said Resolution. Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Chairman.**

- I. All plats to be received for recording the Town Clerk's Office shall include the following title block:**

**COLCHESTER, VT.**  
**RECEIVED FOR RECORD**  
\_\_\_\_\_- AD. \_\_\_\_\_ AT  
\_\_\_\_\_ 0'CLOCK \_\_\_\_ MIN \_\_\_\_ M  
**Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_**  
**of the Land Records.**  
**Attest: \_\_\_\_\_**  
**Asst. Town Clerk**

#### **SECTION 402 CERTIFICATE OF TITLE**

The final plat application for a minor or major subdivision, shall be accompanied by a Certificate of Title showing the ownership of all property and easements to be dedicated or acquired by the Town, and said Certificate of Title shall be approved by the Town Attorney. Copies of all proposed deeds conveying property, easements, offers of dedication, or other assets to the Town shall be approved by the Town Attorney prior to issuance of any permits. All such deeds must be accepted or refused by the Town prior to the release of any escrows or letters of credit or sections thereof.

#### **SECTION 403 ESCROW REQUIREMENTS**

Prior to issuance of any permits, the subdivider shall furnish the Town with a suitable escrow account or letter of credit to guarantee the completion of all required landscaping, site restoration, and public improvements. To this end, the subdivider shall also complete a Public Improvement Agreement, see Appendix B, acceptable to the Town Attorney prior to issuance of any permits. The amount of such guarantee shall be 110% of the cost of the improvements as listed in the Public Improvement Agreement and approved by the Town Engineer. The escrow account or letter of credit shall be sufficient to guarantee the improvements for a period of two (2) years following completion or acceptance of street, whichever is latter. In the case of landscaping, a Landscape Agreement shall be signed and the escrow account or letter of credit shall be 110% of the cost of landscaping and shall be sufficient to guarantee all planting for a period of two (2) years. Once the landscaping or public improvements are installed or accepted, the amount bonded for may be reduced to 10% of the original amount.

#### **SECTION 404 INSTALLATION - DESIGN STANDARDS**

All required improvements shall be designed and installed in accordance with Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), the Colchester Zoning Regulations, the Colchester Code of Ordinances, these Regulations, and other applicable Town regulations and standards.

#### **SECTION 405 MODIFICATION OF PUBLIC IMPROVEMENT REQUIREMENTS**

Where the Director of Public Works concludes that conditions make it necessary or preferable to diverge from the Town's standards and makes such a request to the Development Review Board, but not in any other circumstances, the Development Review Board may approve a design,

installation, or location of public improvements that does not meet the applicable standards of Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards), Chapter 10 of the Colchester Code of Ordinances (Sewers), Chapter Fourteen of the Colchester Code of Ordinances, and Sections 310, 313, and 314 herein.

In the event the Director determines after the commencement of construction of a public improvement, that conditions make it necessary or preferable that the design, installation, or location of the improvement be modified from that approved by the Board, the Director may request that the Board modify the approved plans to reflect such a modification. Such requested modification(s) may or may not meet Chapter Fourteen of the Colchester Code of Ordinances (Public Works Standards).

The Director's request shall be submitted to the Development Review Board for Board consideration in the form of a proposed condition of approval. In approving any such divergence or modification, the Board shall find that the divergence or modification shall not be detrimental to the public health, safety, and welfare, and shall not impose an undue burden on the ability of the Town to provide and maintain public services and infrastructure.

#### **SECTION 406            INSPECTION OF IMPROVEMENTS**

At least seven (7) days prior to commencing construction of any required improvement(s), the subdivider shall advise the Town Building Inspector, in writing, when construction of required improvement(s) shall begin, so that the Town Building Inspector or designee can inspect during the construction process, in order to assure satisfactory completion of improvements or stipulations required by the Board. The Town Building Inspector may appoint a designee to perform inspections as needed during the installation of required improvements and attest to the satisfactory completion of such work.

#### **SECTION 407 PROPER INSTALLATION OF IMPROVEMENTS**

If the Town Building Inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall report on his/her findings to the Administrative Officer. The Administrative Officer shall then notify the subdivider, and if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. Any deviation from the approved Final Subdivision Plat and specifications may be cause for withholding issuance of permits in the subdivision.

#### **SECTION 408            MAINTENANCE OF IMPROVEMENTS**

The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town of Colchester.

#### **SECTION 409            ACCEPTANCE OF STREETS**



The approval of the Final Plat or filing for record thereof shall not constitute or be evidence of an acceptance of any street, park or other open space shown on such plan. Such acceptance shall be by resolution of the Town Select Board which shall set forth the fact of such acceptance for public purposes, describing the same by reference to a warranty deed conveying the site thereof to the Town free and clear of all liens and encumbrances.

#### **SECTION 410 SUBDIVISION WAIVERS**

Excepting waiver authority provided to the Development Review Board in planned unit or planned residential developments, the Development Review Board may only waive or vary, subject to the appropriate conditions, the provisions of Sections 309, 312, 315, 316, and 317 herein if, in its judgment of the special circumstances of a particular plat or plats, such improvements are not requisite in the interest of the public health, safety and general welfare. In granting waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements of the aforementioned Sections so varied or waived.

### **ARTICLE V ADMINISTRATION AND ENFORCEMENT**

No land development, improvements, additions, buildings, structures, placement of mobile homes or structures, or change of use may be undertaken on any lot, tract or parcel of land, subdivided out of a larger parcel and no building permit shall be issued therefore, until said subdivision has been approved by the Development Review Board.

#### **SECTION 501 APPLICABILITY OF VERMONT PLANNING & DEVELOPMENT ACT.**

The provisions of Chapter 117, Title 24 Vermont Statutes Annotated, known as the Vermont Planning and Development Act, shall apply to the administration and enforcement of these regulations, the effect of the adoption of these regulations, the appointment and powers of the Administrative Officer, penalties and remedies, public notice, appeals and other related matters; provided, however, the commencement and prosecution of a violation of these Subdivision Regulations by the issuance of a municipal civil complaint ticket shall be governed by Chapter 59 of title 24 Vermont Statutes Annotated and Chapter 29 of title 24 Vermont Statutes Annotated.

#### **SECTION 502 ADMINISTRATIVE OFFICER; ENFORCEMENT OFFICER**

The Administrative Officer shall be the enforcement officer in the enforcement of these regulations. The Administrative Officer may request other town officers and employees to assist with the enforcement of these regulations, including the planning and zoning staff, life safety and building inspectors, police officers, and/or town attorney.

Additionally, under and pursuant to the authority granted by 24 V.S.A., Chapter 59 and 24 V.S.A. chapter 117 to “municipal officials,” the Administrative Officer shall serve as the “municipal official” or “enforcement officer” for the Town of Colchester for the purpose of enforcing these zoning regulations, and shall possess all the authority granted such official in the enforcement of said regulations. Town officers, upon being designated as deputy municipal officials by, and subject to the general supervision and overall direction of, the Administrative Officer, shall serve as municipal officials and shall possess all the authority of a municipal official in the enforcement of said regulations.

### **SECTION 503 VIOLATIONS; PROSECUTION; PENALTIES.**

A violation of these regulations shall constitute a civil ordinance violation. Each day that a violation continues shall constitute a separate offense. Offenses may be prosecuted through the issuance of a municipal civil complaint ticket or the commencement of an enforcement action as described below.

#### **A. Municipal Civil Complaint Ticket.**

Pursuant to 24 V.S.A. Chapter 59 and 4 V.S.A. Chapter 29, any designated enforcement officer, as referenced in Section 502 above, may commence prosecution for any zoning violation by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars (\$100.00), the waiver fee shall be fifty dollars (\$50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a third offense ticketed for the same violation shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fee shall be two hundred and fifty dollars (\$250.00). Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to the Environmental Court, or any other court of competent jurisdiction.

#### **B. Enforcement Action under 24 V.S.A. Chapter 117.**

An enforcement action may be brought under 24 V.S.A. Section 4451 for any violation of this ordinance. Pursuant to an enforcement action, any person who violates this ordinance shall be fined not more than one hundred dollars (\$100) for each offense. No action may be brought under this subsection unless the alleged offender has had at least seven (7) days' warning notice by certified mail. An action may be brought without the seven (7) day notice and opportunity to cure if the alleged offender repeats the violation of the by-law or ordinance after the seven (7) day notice period and within the next succeeding twelve (12) months. The seven (7) day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation, shall each pay double the amount of such fine. Each day that a violation is continued

shall constitute a separate offense. All fines collected for the violation of these regulations shall be paid over to the Town of Colchester.

**SECTION 504 REVOCATION OF PERMITS.**

Omission or misstatement of any material fact by applicant or agent stated on the application or at any hearing, which would have warranted refusing subdivision application approval, shall be grounds for the Administrative Officer to revoke the subdivision application approval at any time.

**SECTION 505 APPEALS.**

Appeals in the case of the issuance of a ticket under Section 5.03 A. above, shall be governed by the provisions of 4 V.S.A. Chapter 29. The provisions of Title 24 Vermont Statutes Annotated, Chapter 117, shall govern all other appeals.

**APPENDIX A: DIGITAL PLAT REQUIREMENTS**

**SPECIFICATIONS FOR THE SUBMISSION OF  
SURVEY PLATS  
IN DIGITAL FORM**

Submission of digital format plans shall be made to the **Zoning Administrator** ~~Town Planner~~ and shall occur at or before the time of mylar submission. The submission of survey plats and final plat plans in digital format shall comply with the following specifications:

1. All data should be submitted in an Autocad compatible DXF file.
2. The drawing shall be provided on a CD-ROM or other form of digital storage deemed acceptable by the **Zoning Administrator** ~~Town Planner~~.
3. All legal property lines should be on a layer called "property".
4. All old or original property lines that have been or are to be dissolved should be on a layer called "old".
5. All easements and/or private rights-of-way should be on a layer called "easements".
6. All municipal sewer infrastructure should be on a layer called "sewer" and private infrastructure differentiated from public.
7. All stormwater infrastructure should be on a layer called "stormwater" and private infrastructure differentiated from public.
8. All municipal water infrastructure should be on a layer called "water" and private infrastructure differentiated from public.
9. All public sidewalk infrastructure should be on a layer called "sidewalk".
10. All public bikepath infrastructure should be on a layer called "bike".
11. All public road infrastructure should be on a layer called "road".
12. All street trees should be on a layer called "trees".
13. All street lights should be on a layer called "stlights".

14. All manholes should be on a layer called “manholes”.
15. All lines should be complete and continuous from one end point to the next (i.e. there should be no gaps). All polygons should snap together to produce closed parcel polygon boundaries.
16. All line types should be continuous.
17. All property lines should be labeled with the Roman Simplex text accurate to the tenth of a foot with the foot sign after it.
18. The text showing dimensions should be put on a layer called “dimensions”. It should be five units high. Miscellaneous text, such as road names, should be put on a layer called “text”.
19. All entities not explicitly mentioned in this document should be deleted from the submitted file.
20. Digital data should be rotated so that north is indicated by the Y-Axis in the digital data.
21. All data should be delivered in any State Plane coordinates, preferably NAD83 datum. Data should be labeled with the coordinate system and units used.

**APPENDIX B: PUBLIC IMPROVEMENT AGREEMENT**

## TOWN OF COLCHESTER

PUBLIC IMPROVEMENT AGREEMENT

1. Parties: The parties to the Public Improvement Agreement ("the Agreement") are \_\_\_\_\_ ("the Developer") and Town of Colchester ("the Town").
2. Effective Date: The Effective Date of this Agreement will be the date that findings of fact and order of approval is granted by the Town's Development Review Board ("the D.R.B.").

## RECITALS

WHEREAS, the Developer seeks approval to improve a property within the Town to be known as \_\_\_\_\_, which property (the "Property") is more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property Plan"); and

WHEREAS, the Town's regulations are established to protect the public health, safety and general welfare by requiring the completion of various public improvements in order to limit harmful effects caused by substandard public improvements; and

WHEREAS, the purpose of this Agreement is to protect the Town from the cost of completing public improvements and not to benefit the Developer of the Property or materialmen, laborers, or others providing work, services or material to the Property ; and

WHEREAS, the mutual promises, covenants, and obligations contained in this Agreement are authorized by Chapter 117 of Title 24 Vermont Statutes Annotated and the Town's regulations;

THEREFORE, the Parties hereby agree as follows:

## DEVELOPER'S OBLIGATIONS

3. Improvements: The Developer shall construct and install, at the Developer's own expense, those on-site and off-site public improvements listed on Exhibit B (construction plans with a schedule of costs) attached hereto and incorporated herein by this reference ("the Improvements"). By signing below the Developer acknowledges and agrees that the Improvements are necessary to mitigate

adverse impacts created by the development or redevelopment of the Property. The obligations of the Developer contained herein will arise upon the issuance of findings of fact and order of approval by the Town Development Review Board (the “Effective Date”). Said obligations of the Developer shall be independent of any obligations of the Town contained herein, and shall not be conditioned on the commencement of construction on the Property or Improvements to the Property.

4. Surety: Construction Surety. To secure the performance of Developer’s obligations hereunder, the Developer, on or prior to the Effective Date, shall deposit with the Town a surety instrument (in the form of an escrow deposit, irrevocable letter of credit, or other form of surety acceptable to the Town and approved by the Town Attorney) in the amount of \_\_\_\_\_ and 00/100 Dollars (\$\_\_\_\_\_) (the “Construction Surety Instrument”). Said Construction Surety Instrument shall be issued by \_\_\_\_\_ (“Bank”), shall be payable on sight to the Town, and shall bear an expiration date not earlier than two (2) years after the Effective Date. Said Construction Surety Instrument is intended to ensure and secure the completion of all improvements as required under this Agreement and the Development Review Board Order of Approval until the Town has accepted the Improvements. It may be extended at the election of the Town in the event that the Town has not accepted the Improvements prior to the expiration of said two year period. If the Construction Surety Instrument is a letter of credit, it shall conform substantially to Exhibit C attached hereto and incorporated herein by reference.

Warranty Surety. It is the intent of the parties that from the Effective Date to the end of the Warranty Period, there shall be a Surety Instrument in place. To secure the Developer’s obligations during the Warranty Period, the Developer shall deposit with the Town at the time Developer offers the Improvements for acceptance by the Town, a Surety Instrument to cover the warranty period referenced in paragraph 6 below (“Warranty Surety Instrument”). If the Warranty Surety Instrument is a letter of credit, it shall conform substantially to Exhibit C-1 attached hereto and incorporated herein by reference.

Any Surety Instrument referenced herein shall be payable to the Town of Colchester at any time upon presentation of (i) a sight draft drawn on the issuing Bank in the amount to which the Town is entitled to draw pursuant to the terms of this Agreement; (ii) an affidavit executed by an authorized Town official stating that the Developer is in default under this Agreement; and (iii) an executed original or a copy of the applicable Surety Instrument.

5. Standards: The Developer shall construct the Improvements according to the standards and specifications approved by the Town's Engineer as set forth on Exhibit D (site construction permit with specific standards and conditions) attached hereto and incorporated herein by reference.
6. Warranty: The Developer warrants that each of the Improvements shall be free from defects for a period of two (2) years following the date that the Town accepts the dedication of the last Improvement completed by the Developer (the "Warranty Period").
7. Commencement and Completion Periods: The Developer shall commence work on the Improvements within 30 days from the Effective Date of this Agreement (the "Commencement Period"), and shall complete each and every Improvement within two years from the Effective Date of this Agreement (the "Completion Period"). Developer shall not cease construction activities for any period of more than 60 consecutive days (the "Abandonment Period"). For good cause shown, Developer may request and the Development Review Board may grant a reasonable modification of this provision.
8. Compliance with Law: The Developer shall comply with all applicable laws, ordinances, and regulations in effect at the time of findings of fact and order of approval. Developer acknowledges that the Property may be subject to laws, ordinances and regulations that become effective after findings of fact and order of approval.
9. Dedication: The Developer shall offer and dedicate to the Town the Improvements listed on Exhibit (B) attached hereto and incorporated herein by reference, pursuant to the procedure described in Paragraph 13 below.

#### TOWN'S OBLIGATIONS

10. Plan Approval: The Town Development Review Board shall issue findings of fact and order of approval for the development of the Property consistent with the terms and conditions agreed to herein by the Parties, so long as those terms and conditions are consistent with applicable state laws and local ordinances in effect at the time of issuance of said findings of fact and order.
11. Inspections and Certification: Developer shall notify the Town of the completion of the various phases of the Property. Provided the Town is given timely and adequate notice of completion, the Town shall inspect the Improvements as they are completed. If the Improvements are acceptable



to the Town Engineer, the Engineer, or her/his designate, shall certify that such Improvements are in compliance with the standards and specifications on Exhibit D. Such inspection and certification, if appropriate, will occur within 14 days of notice by the Developer that he/she/it desires to have the Town inspect an Improvement. Lien Waivers. Before obtaining certification of any such Improvement, the Developer shall present to the Town valid lien waivers from all persons providing materials or performing work on the Improvements for which certification is sought. Certification by the Town Engineer does not constitute a waiver by the Town of the right to draw funds under the any Surety Instrument because of defects in or failure of any Improvement detected or occurring after such certification.

12. Notice of Defect; Time to Cure: The Town shall provide timely notice to the Developer whenever inspection reveals that an Improvement a) does not conform to the standards and specifications shown on Exhibit D, or b) is otherwise defective. The Developer shall have 30 days from the issuance of such notice to cure or substantially cure the defect. The Town may not declare a default under this Agreement during the 30 day cure period based on such defect unless it is clear that the Developer does not intend to cure the defect. The Developer shall have no right to cure defects in or failure of any Improvement found to exist or occurring after the Town accepts dedication of the Improvement(s).

13. Acceptance of Dedication: The Select Board of the Town of Colchester shall consider formal acceptance of the Developer's offer to dedicate an Improvement as long as the Developer meets all of the following conditions:

1) Said Improvement is certified by the Town Engineer as being constructed and complete in accordance with the approved plans,

2) Developer has provided the Town with a Surety Instrument (either for the construction period or the warranty period as appropriate) which meets the requirements of paragraph 4 herein,

3) The Developer has formally offered such improvement to the Town in writing.

4) The Developer has presented to the Select Board all applicable studies, including warrant analysis and speed analysis, and any other information required by the town's regulations, state law, of the applicable town and/or state approvals, in conjunction with the installation of traffic control measures/devices, including but not limited to speed limit signs, no-parking signs, stop signs, yield signs.

5) The Select Board has enacted all ordinances and taken all other action necessary for or incidental to the establishment of said traffic control measures/devices to be effective no later than the date upon which the Town formally opens the Improvement for public use.

6) The Developer has installed all such traffic control measures/devices and obtained the Town Engineers written certification that said measures/devices and their installation are in compliance with all applicable requirements and standards.

If the Developer has met the aforementioned conditions, the Select Board shall consider the Developer's offer to dedicate within 60 days of such request. Improvements shall be considered privately owned until such time as the Improvements have been formally accepted by ordinance or resolution of the Select Board of the Town of Colchester. The Town's acceptance of dedication is expressly conditioned on the presentation by the Developer of a title opinion, where appropriate, for the benefit of the Town showing that the Developer owns in fee simple the Improvement and any property being dedicated and accepted and that there are no liens, encumbrances, or other restrictions unacceptable to the Town.

Acceptance of the dedication of any Improvement does not constitute a waiver by the Town of the right to draw funds under any Surety Instrument on account of any defect in or failure of the Improvements detected or occurring after the acceptance of the dedication.

14. Reduction of Surety: After the acceptance of any Improvement, the amount which the Town is entitled to draw on the applicable Surety Instrument will be reduced by an amount equal to 90 percent of the estimated cost of the Improvement as shown on Exhibit B. At the request of the Developer, the Town shall execute a certificate verifying the satisfactory completion of the Improvement and waiving its right to draw on the Surety Instrument to the extent of such amount. A Developer in default under this Agreement will have no right to such a certificate. Upon the acceptance of all of the Improvements, the balance that may be drawn under the Surety Instrument will be available to the Town for the Warranty Period.

15. Use of Proceeds: The Town shall use funds drawn under the Surety Instrument for the purposes of completing and/or maintaining the Improvements or correcting defects in or failures of the

Improvements and any associated legal costs incurred by the Town in obtaining said funds and implementing said improvements.

16. Events of Default: The following conditions, events, or actions will constitute a default by the Developer during the Completion Period:

- a. Developer's failure to commence construction of the Improvements within 30 days of final project approval;
- b. Developer's failure to complete construction of the Improvements within two years of said approval;
- c. Developer's failure to cure any defect in any Improvement within the cure period;
- d. Developer's failure to perform work within the Subdivision for a period of more the 60 consecutive days;
- e. Developer's insolvency, the appointment of a receiver for the Developer or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer;
- f. Foreclosure of any lien against the Property or a portion of the Property or assignment or conveyance of the Property in lieu of foreclosure.
- g. Failure of Developer or Bank to extend or renew the surety as provided herein.

The Town shall provide the developer with written notice of default.

17. Measure of Damages: The measure of damages for breach of this Agreement will be the reasonable cost of completing the Improvement(s). For Improvements upon which construction has not begun, the estimated cost of the Improvements as shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount nor the amount of the Surety Instrument establishes the maximum amount of the Developer's liability. The Town shall be entitled to complete all unfinished Improvements at the time of default regardless of the extent to which development has taken place in the Subdivision or whether development ever commenced.

18. Town's Rights Upon Default: When any event of default occurs, the Town may draw on the Surety Instrument. The Town shall have the right to complete Improvements itself or contract with a third party for completion, and the Developer hereby grants to the Town, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property to construct, maintain, and repair such Improvements. Alternatively, the Town may assign the proceeds of the Surety Instrument to a subsequent developer (or a lender) who has acquired the Subdivision by purchase, foreclosure or otherwise who will then have the same rights of completion as the Town,

provided such assignment shall occur if and only if the subsequent developer (or lender) agrees in writing to complete the unfinished Improvements. In addition, until the Improvements are completed and accepted by the Town, the Town may suspend final plat approval during which time the Developer will have no right to sell, transfer, or otherwise convey lots or homes within the Property without the express written approval of the Town. These remedies are cumulative in nature; except that during the Warranty Period, the Town's first remedy will be to draw funds under the Surety Instrument.

19. Indemnification: The Developer hereby expressly agrees to indemnify and hold the Town harmless from and against all claims, costs and liabilities of every kind and nature, for injury or damage received or sustained by any person or entity in connection with, or on account of, the performance of work on the property and elsewhere pursuant to this Agreement. The Developer further agrees to aid and defend the Town in the event that the Town is named as a defendant in an action concerning the performance of work pursuant to the Agreement except where such suit is brought by the Developer. The Developer is not an agent or employee of the Town.

20. No Waiver: No waiver of any provision of this Agreement, or any rights arising hereunder, shall be effective against a party to this agreement unless expressly provided for by a written amendment to this Agreement signed by said property; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults. The Town's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the Developer or the acceptance of any Improvement.

21. Amendment or Modification: The parties to this Agreement may amend or modify this Agreement only by written instrument executed on behalf of the Town by the Town Manager or his properly authorized designee and on behalf of the Developer by the Developer or his properly authorized designee.

22. Attorney's Fees: Should the Developed be declared in default, the Town may utilize funds drawn under the Surety Instrument for the purposes legal fees incurred by the Town in declaring the default and in implementing said improvements or correcting said deficiencies. Additionally, should either party be required to resort to litigation, arbitration, or mediation to enforce the terms of this Agreement, the substantially prevailing party, plaintiff or defendant, will be entitled to all costs, including reasonable attorney's fees and expert witness fees, from the opposing party. If the court,

arbitrator, or mediator awards substantial relief to both parties, each shall bear its own costs in their entirety.

23. No Vested Rights: This Agreement does not entitle the Developer to any other approval(s) or permits required by the Town, nor does it entitle the Developer to commence development of the Property or to transfer ownership of Property, unless all required permits have first been obtained.

24. Third Party Rights: No person or entity that is not a party to this Agreement shall have any right of action under this Agreement.

25. Scope: This Agreement constitutes the entire agreement between the parties and no statement(s), promise(s) or inducement(s) that is/are not contained in this Agreement shall be binding on the parties.

26. Time: For the purpose of computing the Commencement, Abandonment, and Completion Periods, and time periods for Town action, such times in which war, terrorism, civil disasters, natural disaster, or extreme weather conditions occur or exist will not be included if such times prevent the Developer or Town from performing their obligations under the Agreement.

27. Severability: If any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision of this Agreement and the rights of the parties shall be construed as if the part, term, or provision was never part of the Agreement.

28. Binding Effect; Successors and Assigns: The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the Town. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the obligations of Developer set forth in this Agreement are the personal obligations of the Developer, but shall also, at the Town's election, be binding on the heirs, successors, and assigns of the Developer. There is no prohibition on the right of the Town to assign its rights under this Agreement. The Town shall release the original developer's obligations under the Surety Instrument if it accepts a new Surety Instrument from any developer or lender who obtains the Property. However, no act of the Town will constitute a release of the original developer from his liability under this Agreement.

29. Notice: Any notice required or permitted by this Agreement shall be in writing and will be deemed effective either 1) upon delivery to the party or 2) three (3) days after deposited with the U. S. Postal Service, postage prepaid, certified, return receipt requested, and addressed as follows:

If to Developer:

If to Town: Town of Colchester Department of Planning & Zoning  
P. O. Box 55  
Colchester, Vermont 05446

Any party may notify the other party of a change of address, provided such notice complies with the provisions of this section.

30. Recordation: Either Developer or Town may record a copy of this Agreement in the Town Clerk's Office of the Town of Colchester.

31. Immunity: Nothing contained in this Agreement constitutes a waiver of the Town's sovereign immunity.

32. Jurisdiction and Venue: Jurisdiction and venue for any civil action commenced by either party to this Agreement whether arising out of or relating to the Agreement or Surety Instrument will be deemed to be proper only if such action is commenced in the Superior Court for Chittenden County. The Developer expressly waives his right to bring such action in or to remove such action to any other court whether state or federal.

Dated at Colchester, Vermont this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

IN THE PRESENCE OF:

\_\_\_\_\_ TOWN OF COLCHESTER

\_\_\_\_\_ By: \_\_\_\_\_  
Duly Authorized Agent

\_\_\_\_\_ \_\_\_\_\_  
Developer

\_\_\_\_\_ By: \_\_\_\_\_  
Duly Authorized Agent

Exhibit A - Property Description.

Exhibit B – On-site and Off-Site Improvements with Estimated Costs (include construction plans).

Exhibit C – Sample Letter of Credit for Construction Period

Exhibit C1 – Sample Letter of Credit for Warranty Period

Exhibit D – Site Construction Permit with Specific Standards and Conditions.

"EXHIBIT C"  
(Construction Period)

PUBLIC IMPROVEMENT AGREEMENT  
TOWN OF COLCHESTER  
IRREVOCABLE LETTER OF CREDIT

THE TOWN OF COLCHESTER      DATE: \_\_\_\_\_  
COLCHESTER, VERMONT

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$\_\_\_\_\_ for the account of \_\_\_\_\_ ("Developer"), to be accepted by your signed statement that drawing is due to default or failure to perform by Developer with respect to Developer's obligation to comply with the requirements of a certain Public Improvement Agreement between Developer and the Town of Colchester, including the construction of all Improvements, in connection with the Town's approval of a project known as \_\_\_\_\_ (the "Project"). This irrevocable letter of credit shall remain open from the date hereof and thereafter for a period of two (2) years, or until the Town accepts all of the improvements required to be completed and offered to the Town by the Developer as a condition of the approval of the Project, whichever occurs sooner; provided, however, in the event the Town has not accepted said improvements by the end of said two year period, the Town may extend this letter of credit for a reasonable period of time to allow the completion of said improvements and acceptance thereof.

Acting through the Town Attorney, you will notify us when either:

- 1). The Town has discovered a defect or failure in an Improvement,  
which notice must be by affidavit signed by the Town Attorney;



2). An event of default has occurred; or

3) The Town has accepted all improvements as required and this credit may be released.

All drafts drawn hereunder must be by sight draft marked: "Drawn under \_\_\_\_\_ ("Bank") Credit No., \_\_\_\_\_ dated \_\_\_\_\_, 20 \_\_". The original of the credit must be presented along with any such draft.

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentment of any such draft will be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the Uniform Customs and Practices for Commercial Documentary Credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorses, and bonafide holders of drafts under and in compliance with the terms of this credit that the same will be duly honored and payment made no later than three days after due presentation of the credit and delivery of documents as specified if negotiated on or before \_\_\_\_\_ (as referenced in paragraph 1 above).

BANK NAME

(Corporate Seal) By: \_\_\_\_\_  
(Authorized signature)

"EXHIBIT C-1"  
(Warranty Period)

PUBLIC IMPROVEMENT AGREEMENT  
TOWN OF COLCHESTER  
IRREVOCABLE LETTER OF CREDIT

THE TOWN OF COLCHESTER      DATE: \_\_\_\_\_  
COLCHESTER, VERMONT

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$\_\_\_\_\_ for the account of \_\_\_\_\_ ("Developer"), to be accepted by your signed statement that drawing is due to a defect or failure in any Improvement, as a term defined in the Public Improvement Agreement between Developer and the Town of Colchester, during the two year warranty period following acceptance of said Improvements. This credit shall commence on the date upon which the Town of Colchester formally accepts the said Improvements and shall extend for a period ending on a date two years thereafter.

Acting through the Town Attorney, you will notify us when either:

- 1). The Town has discovered a defect or failure in an Improvement,  
which notice must be by affidavit signed by the Town Attorney, or
- 2). The warranty period has terminated and the credit may be released.

All drafts drawn hereunder must be by sight draft marked: "Drawn under \_\_\_\_\_ ("Bank") Credit No., \_\_\_\_\_ dated \_\_\_\_\_, 20 \_\_\_\_". The original of the credit must be presented along with any such draft.

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentment of any such draft will be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the Uniform Customs and Practices for Commercial Documentary Credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorses, and bonafide holders of drafts under and in compliance with the terms of this credit that the same will be duly honored and payment made no later than three days after due presentation of the credit and delivery of documents as specified if negotiated on or before \_\_\_\_\_ (as referenced in paragraph 1 above).

BANK NAME

(Corporate Seal)

By: \_\_\_\_\_

(Authorized signature)

**APPENDIX C: SURVEY & BOUNDARY LINE ADJUSTMENT REQUIREMENTS**

SPECIFICATIONS FOR THE SUBMISSION OF  
SURVEY OR BOUNDARY LINE ADJUSTMENT  
MYLARS  
TO BE RECORDED IN THE TOWN LAND RECORDS  
WHICH REQUIRE THE SIGNATURE OF THE  
**ZONING ADMINISTRATOR**  
~~DEVELOPMENT REVIEW COORDINATOR~~

The submission of easement surveys, boundary surveys, boundary line adjustments, and all other survey plats shall comply with the following specifications:

1. All data should be submitted in an Autocad compatible DXF file (please see Appendix A).
2. All mylars shall comply with 27 V.S.A. Chapter 17.
3. All mylars shall be legible.
4. All mylars should be 18 inches by 24 inches in dimensions.
5. All mylars shall have the appropriate title block included (please see attached sheet).
6. Complete survey of property by a licensed land surveyor drawn to scale (1 inch = 20 ft. is the preferred minimum).
7. Name, license number, seal, and contact phone number of licensed land surveyor & date prepared.
8. Survey data should be included for all surveys: acreage, property lines, and watercourses. Where appropriate please include contours at two (2) foot elevation intervals (existing and finished), zoning boundaries, base flood elevation, etc.
9. Numerical and graphical scale, date last revised, and north arrow.
10. All requirements specified under the current approved Findings of Fact and Order for the property.
11. Location of easements, public lands, r.o.w.s, sidewalks, public infrastructure (see Appendix A), public or private streets (w/names) and other restricted land where appropriate.

**APPENDIX D: AMENDMENTS TO SUBDIVISION REGULATIONS****SUPPLEMENT #4**

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
Replace reference to Public Works Standards and Specifications with reference to Chapter 14 of the Code of Ordinances	5/20/08	7/3/08	7/22/08	8/13/08
Change definition of major subdivision to exempt routine public works projects from major subdivision review.	5/20/08	7/3/08	7/22/08	8/13/08
Subsequently update the definition of subdivision.	5/20/08	7/3/08	7/22/08	8/13/08
Added Section 201.4 Clarifying that Sketch Plan is not an approval	5/20/08	7/3/08	7/22/08	8/13/08
Update 24 VSA Chapter 117 References	5/20/08	7/3/08	7/22/08	8/13/08
Change 90 days to 180 days in Sections 202E and 204E	5/20/08	7/3/08	7/22/08	8/13/08
Change two years to one year in Sections 202E and 204E	5/20/08	7/3/08	7/22/08	8/13/08
Add public infrastructure requirements to Appendix A "Digital Plat Requirements"	5/20/08	7/3/08	7/22/08	8/13/08
Strike and replace all of Appendix B "Public Improvement Agreement"	5/20/08	7/3/08	7/22/08	8/13/08
Add public infrastructure requirements to Appendix C "Survey & Boundary Line Adjustment Requirements"	5/20/08	7/3/08	7/22/08	8/13/08

**SUPPLEMENT #3**

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
Replaced Subdivision Regulations in entirety to: 1) remove infrastructure waiver authority of Development Review Board; 2) elaborate on application process; and 3) update development requirements and standards.	1/13/04	1/15/04	2/24/04	3/16/04

**SUPPLEMENT #2**

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
Amend Section 201.2 - Sketch Plan Submission Requirements	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 202 – Amend Minor Subdivision, filing period and submission requirements	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 203 – Amend Major Subdivision, filing period and submission requirements	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 403 – Pedestrian Access easement width	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 407 – Require utility lines to be underground	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 409 - Add Best Management Practices to Removal of Spring, Surface & Storm Water	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 413.1 – Amend existing features to include Wetlands/Floodplain	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 413.4 – Amend Landscaping requirements	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 502 – Amend number of copies	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 509 – Add “Chair”	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 510 – Allow Planner to approve submission plan amendments	7/28/99	12/30/98	2/22/00	3/8/00
Amend Section 511 – Allow Planning Commission Chair to approve submission plat amendments	7/28/99	12/30/98	2/22/00	3/8/00

**SUPPLEMENT #1**

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	NOTICE TO TOWN CLERK	ADOPTED	EFFECTIVE DATE
Amend Section 103 - Definitions, amend “LOT” AND “SUBDIVISION”	9/19/91	12/6/91	3/10/92	4/14/92
Amend Section 512 – Form of Recorded Plat	9/19/91	12/6/91	3/10/92	4/14/92



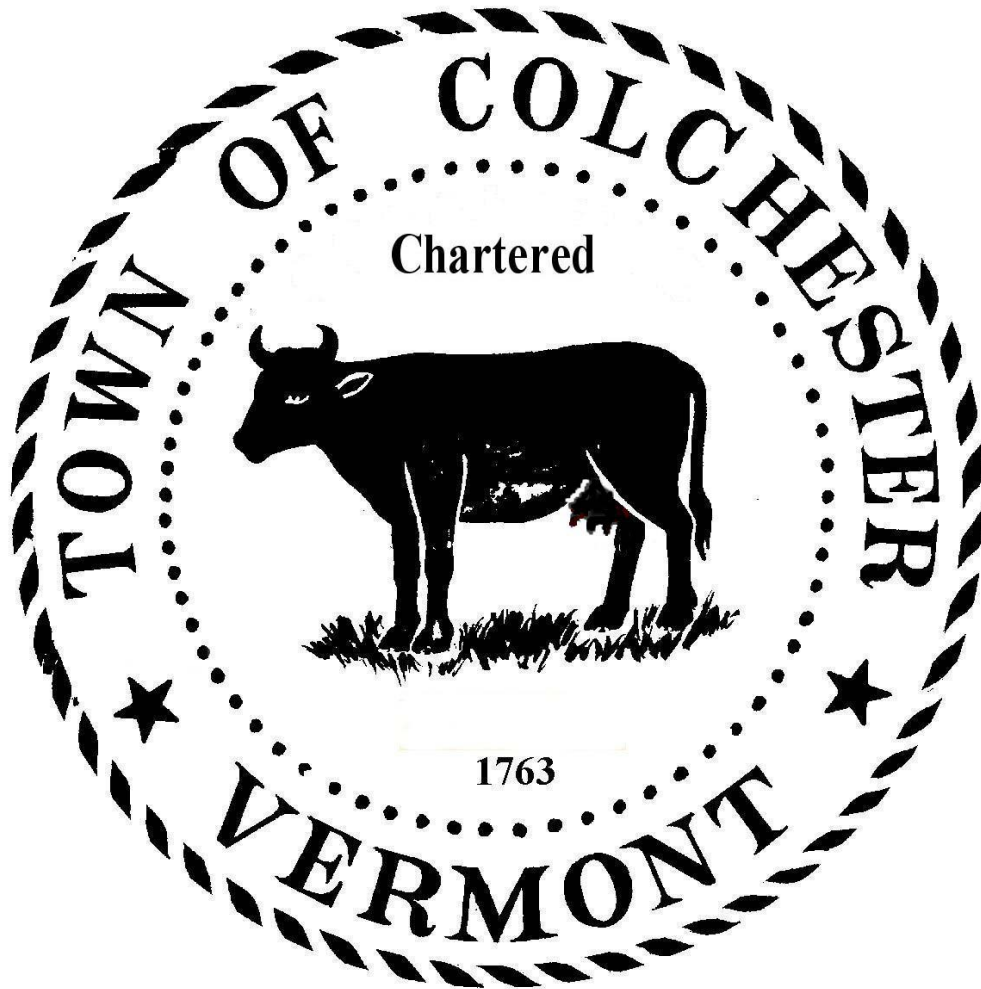
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# **TOWN OF COLCHESTER, VERMONT**

## **SUBDIVISION REGULATIONS**



**ADOPTED TBA**